

MELINDA HAAG (CABN 132612)
United States Attorney

J. DOUGLAS WILSON (DCBN 412811)
Chief, Criminal Division

DAVID R. CALLAWAY (CABN 121782)
Assistant United States Attorney

150 Almaden Boulevard, Suite 900
San Jose, California 95113
Telephone: (408) 535-5596
FAX: (408) 535-5066
Email: David.Callaway@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	NO. CR 09-00341 RMW
)	
Plaintiff,)	GOVERNMENT'S MOTION TO DISMISS
)	INDICTMENT AGAINST A CORPORATE
v.)	DEFENDANT THAT WAS NEVER PROPERLY
)	SERVED AND IS CAUSING THIS CASE TO
FU-TAIN LU,)	LANGUISH ON THE COURT'S DOCKET;
FUSHINE TECHNOLOGY, INC., and)	ORDER []
EVERJET SCIENCE AND TECHNOLOGY)	
CORPORATION,)	Before The Honorable Ronald M. Whyte
)	
Defendants.)	
)	

The government respectfully seeks leave from this Court to dismiss the captioned indictment against Everjet Science and Technology Corporation, a company that is—or at least was—headquartered in the People's Republic of China. The government had intended to litigate whether service on Everjet's founder, Fu-Tain Lu, was tantamount to service on the company itself, but the case resolved and the issue became moot. The undersigned having recently been informed that the pending charges are causing this case to languish on the Court's docket, the government respectfully moves to dismiss the indictment against Everjet only, and also humbly apologizes for taking so long to wrap up this loose end.

MOTION TO DISMISS (CR 09-00341 RMW)

1 DATED:

Respectfully submitted,

2 MELINDA HAAG
United States Attorney

3 / s /
4 DAVID R. CALLAWAY
Assistant United States Attorney

6 ORDER

7 Upon request by the government, and good cause appearing therefor,

8 IT IS HEREBY ORDERED that the captioned indictment against defendant Everjet Science and
9 Technology Corporation is DISMISSED.

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11 Date: Í Ð Ð Í


RONALD M. WHYTE
United States District Judge